

**NOT FOR PUBLICATION**

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NO. 25057

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

GLADYS L. HALM, Plaintiff-Appellee, v.  
LUCILLE SANCHEZ, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
HONOLULU DIVISION  
(CIV. NO. 1RC01-5224)

ORDER DENYING MOTION FOR RECONSIDERATION  
(By: Burns, C.J., Watanabe and Foley, JJ.)

On August 24, 2001, the district court entered a "Judgment for Possession" and a "Writ of Possession." Defendant-Appellant Lucille Sanchez (Lucille) complied with the Writ of Possession on September 1, 2001.

On March 11, 2002, Lucille filed a "Motion for Reconsideration or New Trial" in which she stated, in relevant part: "I was evicted on an unfair judgement against me. My answer and counterclaim was [sic] dismissed. I had a valid answer and counterclaim with good and convincing evidence. I want a fair trial." When this motion was filed, it contained the district court's stamped and signed denial.

This court's Summary Disposition Order, filed on November 17, 2003, (1) affirmed the district court's March 11, 2002 denial of Lucille's March 11, 2002 Motion for Reconsideration or New Trial and (2) stated, in relevant part, as

follows:

Lucille's March 11, 2002 "Motion for Reconsideration or New Trial" implicitly sought, pursuant to Hawai'i Rules of Civil Procedure (HRCP) Rule 59(a) (2003), to "open the judgment" and "the entry of a new judgment" or, pursuant to HRCP Rule 59(e) (2003), "to alter or amend" the judgment.

. . . The judgment Lucille's March 11, 2002 "Motion for Reconsideration or New Trial" challenged was the Judgment for Possession entered on August 24, 2001. We hold that Lucille's March 11, 2002 "Motion for Reconsideration or New Trial" was untimely, unauthorized, and validly denied on that basis.

In accordance with Hawai'i Rules of Appellate Procedure Rule 35, and after carefully reviewing the record and the briefs submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties,

IT IS HEREBY ORDERED that the district court's March 11, 2002 order denying Lucille's March 11, 2002 "Motion for Reconsideration or New Trial," from which the appeal is taken, is affirmed.

On December 8, 2003, Lucille filed a Motion for Reconsideration of this court's Summary Disposition Order.

Hawai'i Rules of Appellate Procedure Rule 40(a) (2003) states that "[a] motion for reconsideration may be filed by a party only within 10 days after the filing of the opinion . . . unless by special leave additional time is granted during such period by a judge or justice of the appellate court involved." On November 20, 2003, Lucille sought for and received an extension of time up to and including December 7, 2003 within which to file a motion for reconsideration. Therefore, Lucille untimely filed her December 8, 2003 Motion for Reconsideration and it is denied on that basis. Had we not denied it on that basis, we would have denied it for the following reason. In support of her Motion for Reconsideration, Lucille itemizes

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fifteen reasons. None have merit. We will discuss reason "15" which states as follows: "I filed for my appeal on March 11, 2002 because I went by motion Rule 60(b) and (6) not more th[a]n one year after the Judgement. I was told by an attorney that I could do this." In other words, Lucille contends that her March 11, 2002 "Motion for Reconsideration or New Trial" timely sought for, pursuant to Hawai'i Rules of Civil Procedure (HRCPP) Rule 60(b) (2003), relief from the August 24, 2001 judgment.

Upon (1) construing Lucille's March 11, 2002 "Motion for Reconsideration or New Trial" as being based on HRCPP Rule 60(b), and (2) after carefully reviewing the record and the briefs submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties, we (a) affirm the district court's March 11, 2002 denial of Lucille's March 11, 2002 Motion for Reconsideration or New Trial and (b) deny Lucille's December 8, 2002 Motion for Reconsideration.

DATED: Honolulu, Hawai'i, December 15, 2003.

Lucille Sanchez,  
Defendant-Appellant, *pro se*,  
on the motion.

Chief Judge

Associate Judge

Associate Judge